

(3) THE OFFICER MAY NOT RESTRAIN THE INDIVIDUAL ANY MORE THAN IS NECESSARY FOR THE PURPOSES OF THE WARRANT.

(D) DETENTION.

(1) IF THE COURT IS NOT IN SESSION WHEN THE INDIVIDUAL IS ARRESTED, THE INDIVIDUAL MAY BE HELD AT A FACILITY THAT THE ADMINISTRATION DESIGNATES OR AT ANY OTHER DETENTION FACILITY UNTIL THE COURT IS IN SESSION.

(2) THE ADMINISTRATIVE HEAD OF THE DETENTION FACILITY OR A REPRESENTATIVE OF THAT ADMINISTRATIVE HEAD SHALL ADVISE THE INDIVIDUAL THAT:

(I) COMMITMENT OF THE INDIVIDUAL TO THE ADMINISTRATION IS SOUGHT;

(II) THE INDIVIDUAL DID NOT APPEAR, AS ORDERED, FOR A DETERMINATION WHETHER THERE ARE REASONABLE GROUNDS TO ORDER THE INDIVIDUAL TO HAVE A MEDICAL EXAMINATION;

(III) THE INDIVIDUAL MUST APPEAR BEFORE THE COURT AT THE NEXT SESSION FOR THAT DETERMINATION;

(IV) THE INDIVIDUAL IS ENTITLED TO COUNSEL AT EVERY STAGE OF THE PROCEEDING;

(V) IF THE INDIVIDUAL WANTS BUT CANNOT AFFORD COUNSEL, THE COURT WILL ASSIGN COUNSEL; AND

(VI) THE INDIVIDUAL IS ENTITLED TO COMMUNICATE, WITHOUT CHARGE, BY TELEPHONE OR LETTER, TO OBTAIN COUNSEL AND TO INFORM A RELATIVE OR FRIEND OF THE PROCEEDING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43B, § 9(e) and the first and second sentences of (d).

Subsection (d)(2)(i), (ii), and (iii) are new language substituted for the imprecise references to advise as to "the nature of the proceeding" and "the reason for his detention" and to appearance "in connection with the allegation that he is a drug addict"; for clarity.

In subsection (d)(1) of this section, the former reference to detention "for a reasonable time" is deleted as unnecessary in light of the more specific reference "until the court is in session".